

## **ARKANSAS TOBACCO CONTROL MEETING MINUTES**

**SEPTEMBER 6, 2012**

The Arkansas Tobacco Control Board met on Thursday, September 6, 2012 for its monthly meeting in the Main Street Mall building, located at 101 E. Capitol Avenue, Little Rock, Arkansas, beginning at 10:00 a.m. in Suite 401. There were 5 - Board members present – Ms. Carol Dyer, Mr. John Hauge, Mr. Steve Lightle, Mr. Danny Tate, and Dr. Laura Sisterhen and 3 – Members absent – Mr. Kevin Case, Dr. J.J. Lacy, Jr., and Dr. Tommy Wagner.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. The Chairman introduced Ms. Debbie Rushing, Section Chief of the Arkansas Department of Health, State and Community Interventions. She in turn introduced her staff and grantees. He also introduced Ms. Amber Garrett, Tobacco Prevention Specialist with the City of Little Rock.

The Chairman then asked for a motion to approve the August 2, 2012 board meeting minutes. A motion was made and approved with 5 – Yes votes and 3 - Members absent.

Mr. Lightle then moved on to “New Business” and “Disciplinary Hearings”, as there wasn’t any “Old Business” to address. The Chairman introduced Mr. Greg Kirkpatrick serving as the Hearing Officer, and Ms. Lydia Williams Heroman, as Court Reporter.

The Hearing Officer opened the Disciplinary Hearings and asked Mr. Roland Darrow, Staff Attorney, to present the following:

### **Default List**

Mr. Roland Darrow, Staff Attorney, made a roll call of the names listed on the Default Judgments for Board Approval list dated September 6, 2012. No one answered as being present. Mr. Darrow asked the Board to approve the list as presented, with Delta Travel Center in Forrest City, AR and YAS LLC dba Bald Knob Exxon in Bald Knob, AR, being removed, and issue the maximum fines on each case. A motion was made to that effect with 5 – Yes votes and 3 – Members absent.

**Consent Orders**

**Case #2012-024                      Skippy's Food Mart                      West Memphis, AR**

Mr. Darrow read the Consent Order. A motion was made to approve the Consent Order for Skippy's Food Mart as presented with 5 - Yes votes and 3 - Members absent.

**Case #2012-123                      Alma Mini Mart, Inc.                      Alma, AR**

After hearing the Consent Order, a motion was made to approve the Consent Order for Alma Mini Mart, Inc. as presented with 5 - Yes votes and 3 - Members absent.

**Show Cause Hearing**

**Case #2012-251                      I-40 Kwik Stop                      Palestine, AR**

Mr. Faheem Saleem, Owner, and Mr. Jesse Daggett, Attorney, were present to represent I-40 Kwik Stop.

After hearing testimony, a motion was made to find I-40 Kwik Stop in violation of §26-56-256 Failure to abide by the Offer of Settlement in Case #2011-385, which was accepted by the Respondent that required him and all store employees attend ATC Merchant Education Training within six months of the Board's acceptance of the offer, and issue a Warning. Mr. Saleem and his employee's at all additional locations are to attend the ATC training six months from today's date. The motion was approved with 5 - Yes votes and 3 - Members absent.

**Case #2012-056**

**Happy Mart**

**Forrest City, AR**

**VIOLATION:**

**§26-57-226**

**Selling on a suspended permit, 2 counts (\$2,500 & 90 days per count for a total of \$5,000 and 180 day suspension of permit.**

The store location was represented by Mr. Amin Babakr, the owner, and his Attorney, Ms. Jessica Trail.

A motion was made to find Happy Mart in violation of §26-57-226 Selling on a suspended permit, issue a \$2,500 fine and 45-day suspension of permit per count for a total penalty of \$5,000 and 90-day suspension of permit. The motion failed as there were 4 – Yes votes, 1 – Abstention, and 3 – Members absent.

After discussion, it was agreed four members, Mr. Carol Dyer, Mr. Steve Lightle, Mr. Danny Tate and Dr. Laura Sisterhen would recommend to the full board at the October 4, 2012 meeting the penalty that was agreed upon at the September 6, 2012 meeting.

**Case #2012-109**

**I-30 Superstore**

**Little Rock, AR**

**VIOLATION:**

**§26-57-235(d)(2)**

**Selling individual cigarettes, 3 counts (\$1,000 & 30 days per count) Total of \$3,000 & 90 – day suspension of permit.**

The store location was represented by Mr. Aladdin Saraheen, the owner, and his Attorney, Mr. Mark Jesse.

After hearing testimony, a motion was made to find I-30 Superstore in violation of §26-57-235(d)(2) Selling individual cigarettes, accept the Director's recommendation of a \$3,000 fine and 90-day suspension of permit with 5 – Yes votes and 3 – Members absent.

<b>Case #2012-105</b>	<b>Stop N Smoke, LLC</b>	<b>Little Rock, AR</b>
<b>VIOLATION:</b>	<b>§26-57-235(d)(2)</b>	<b>Selling individual cigarettes, 3 counts (\$1,000 &amp; 30 days per count) Total of \$3,000 &amp; 90 – day suspension of permit.</b>

Stop N Smoke LLC was represented by Mr. Mohammad Gani, the store owner, and his Attorney, Mr. Stewart Vess.

A motion was made and approved to find Stop N Smoke, LLC in violation of §26-57-235(d)(2), Selling individual cigarettes, accept the Directors recommendation of a \$3,000 fine and 90 – day suspension of permit, with 5 – Yes votes and 3 – Members absent.

<b>Case #2012-103</b>	<b>Roosevelt Superstore, LLC</b>	<b>Little Rock, AR</b>
<b>VIOLATION:</b>	<b>§26-57-235(d)(2)</b>	<b>Selling individual cigarettes, 3 counts (\$1,000 &amp; 30 days per count) \$3,000 fine &amp; 90 – day suspension of permit.</b>

Mr. Ameen Olwan, the owner, was present to represent the business location.

A motion was made and approved to find Roosevelt Superstore, LLC in violation of §26-57-235(d)(2) Selling individual cigarettes, accept the Director's recommendation of a \$3,000 fine and 90 – day suspension of permit with 5 – Yes votes and 3 – Members absent. Mr. Olwan admitted to the violations.

**Case #2012-106**

**Stop-N-Go**

**Little Rock, AR**

**VIOLATION:**

**§26-57-235(d)(2)**

**Selling individual cigarettes, 3 counts (\$1,000 & 30 days per count) \$3,000 fine & 90 – day suspension of permit.**

Mr. Shareef Quattom, the owner, represented the business location.

A motion was made and approved to find Stop-N-Go in violation of §26-57-235(d)(2) Selling individual cigarettes, accept the Director's recommendation of a \$3,000 fine and 90-day suspension of permit with 5 - Yes votes and 3 – Members absent. Mr. Quattom admitted to the violations.

**Case #2012-107                      65<sup>th</sup> Stop & Shop, LLC                      Little Rock, AR**

**VIOLATION:                      §26-57-235(d)(2)                      Selling individual  
cigarettes, 2 counts  
(\$1,000 & 30 days per  
count) \$2,000 fine &  
60 – day suspension of  
permit.**

Mr. Saleh Ayyeh, the owner, was present to represent the business location.

A motion was made and approved to find 65<sup>th</sup> Stop & Shop, LLC in violation of §26-57-235(d)(2) Selling individual cigarettes, accept the Director's recommendation of a \$2,000 fine and 60-day suspension of permit with 5 - Yes votes and 3 – Members absent. Mr. Ayyeh admitted to the violations.

**Case #2012-110                      Linda's Tobacco World                      Little Rock, AR**

**VIOLATION:                      §26-57-235(d)(2)                      Selling individual  
cigarettes, 2 counts  
(\$1,000 & 30 days per  
count) \$2,000 fine &  
60 – day suspension of  
Permit.**

The owner, Ms. Linda Savells Hamilton, and Mr. Walter McIntosh were present to represent the business location.

A motion was made and approved to find Linda's Tobacco World in violation of §26-57-235(d)(2) Selling individual cigarettes, accept the Director's recommendation of a \$2,000 fine and 60-day suspension of



Mr. Thomas then called on Deputy Director Greg Sled to give his update on enforcement activity and merchant education. Mr. Sled stated in July there were 223 checks, 26 violations for an 11.66% violation rate. In August there were 593 checks, 61 violations for a violation rate of 10.29%. There was no regional training scheduled September.

Mr. Thomas stated he had received an Advisory Opinion Request from Muswick, a local wholesaler in Little Rock. The agency has 45-days to respond from the date of the receipt of the request.

The Director then asked for the FDA program report. Dr. Casey Carder reported there were 272 potential violations with 60 checks being deemed as violations by the FDA for a violation rate of 5.98%.

The Chairman asked for a Court Update. Mr. Mark Obrenberger, Assistant Attorney General, stated Skyroad Gas, which was heard by the Board at the August 2, 2012 meeting, has filed an Appeal. Mr. Darrow, Staff Attorney, didn't have anything to report.

The next meeting date will be October 4, 2012. A motion was made and approved to adjourn with 5 – Yes votes and 3 – Members absent.

Minutes prepared by

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Janis L. Campbell

September 21, 2012